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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/521,663 | 09/22/2005 | Simon Wilson | 915-011.005 | 9232 |
| 4955 | 7590 | 09/05/2006 | EXAMINER | |
| WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN, BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468 | | | GONZALEZ, AMANCIO | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2631 | |
| DATE MAILED: 09/05/2006 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------------------|------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/521,663 | WILSON, SIMON |
| | Examiner Amancio Gonzalez | Art Unit 2631 |

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 9/22/05.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-16 and 20 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-16 and 20 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 22 September 2005 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>01/18/05</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

Claim 14 is objected to because of the following informality:

On line 2 of claim 14, replace “moulded” with --molded-- after “cover has a.”

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, as clearly seen when the applicant states that “the flexible cover is substantially made in accordance with the techniques used in the fabrication of sport shoes” without specifying the steps or elements involved in such technique.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-10, 15, 16, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Halkosaari et al. (US PGPub 20020193136) in view of Hsu et al. (US PGPub 20030083094).

Consider **claim 1, 16 and 20**, Halkosaari et al. show a mobile electronic device providing an engine assembly –reads: telephone circuitry (fig. 1, element 25)- comprising a display and switches (fig. 2, elements 44 and 46); and a flexible cover overlying, without an intermediate rigid cover, and snugly fitting the engine assembly and comprising an integrated keypad, for user input, aligned with the plurality of switches (fig. 2). Although Halkosaari et al. do not explicitly show a leather or fabric flexible cover, Hsu et al., in related art, teach a cover for a portable mobile phone made of leather or fabric (pars. 0006 and 0007).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Halkosaari et al. and Hsu

et al. in order to provide flexible material for the purpose of producing the cover of a mobile telephone.

Consider **claim 2**, and as applied to claim 1 above, Halkosaari et al., as modified by Hsu et al., show a mobile phone wherein the flexible cover is made from flexible material which defines a cavity for receiving the engine assembly and has an insertion aperture through the material to the cavity through which the engine assembly can fit (insertion aperture for receiving the engine assembly can be seen after top shell 10 and bottom shell 12 of the housing are separated –par 0018; fig. 2).

Consider **claim 3**, and as applied to claim 1 above, Halkosaari et al., as modified by Hsu et al., show a mobile phone comprising means for closing or restricting the insertion aperture after the engine assembly has been inserted (pars. 0016, 0026; figs. 1, 4A and 4B).

Consider **claim 4**, and as applied to claim 1 above, Halkosaari et al., as modified by Hsu et al., show a mobile wherein the flexible cover comprises an aperture aligned with the display (display interface 16 is shown as a substantially clear port 76, which is aligned with the assembly engine display –par 0020; fig. 2).

Consider **claim 5**, and as applied to claim 1 above, Halkosaari et al. do not explicitly show a plurality of fabric or leather portions attached to the substrate and/or each other. However, Hsu et al., in related art, teach an enclosure that can be made of fabric or leather (par 0009).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Halkosaari et al. and Hsu et al. in order to provide flexible material that can be attached to the cover of a mobile telephone.

Consider **claim 6**, and as applied to claim 1 above, Halkosaari et al., as modified by Hsu et al., show an overlapping portion on the cover (fig. 4B, element 150).

Consider **claim 7**, and as applied to claim 1 above, Halkosaari et al., as modified by Hsu et al., show wherein portions of the underlying substrate of the mobile phone are exposed (the power interface, as part of the underlying substrate is exposed through an opening in the bottom of the cover –see fig. 2, elements 22, and 54).

Consider **claim 8**, and as applied to claim 1 above, Halkosaari et al., as modified by Hsu et al., show wherein the integrated keypad has a plurality of key portions on an exterior surface of the flexible cover and a plurality of corresponding projections on the interior surface of the flexible cover, each of said projections being arranged to actuate one of the plurality of switches of the engine assembly (par 0015; fig. 2).

Consider **claim 9**, and as applied to claim 1 above, Halkosaari et al., as modified by Hsu et al., show wherein the flexible cover and the engine assembly have corresponding projections and receptacles for aligning the flexible cover correctly with the engine assembly (par. 0018; fig. 2).

Consider **claim 10**, and as applied to claim 1 above, Halkosaari et al. do not explicitly show wherein the flexible cover is made from fabric, elastically deformable

material, or leather. Hsu et al., however, in related art, teach a flexible cover for a mobile phone made of fabric or leather.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Halkosaari et al. and Hsu et al. in order to choose a flexible material for the purpose of producing a type of cover for a mobile telephone.

Consider **claim 15**, and as applied to claim 1 above, Halkosaari et al., as modified by Hsu et al., show wherein the flexible cover of a mobile telephone is user replaceable (par 0002; figs. 2, 4A, and 4B).

Claims 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Halkosaari et al. (US PGPub 20020193136) in view of Hsu et al. (US PGPub 20030083094) further in view of Mitchel (US Pat 6082535).

Consider **claim 11**, and as applied to claim 1 above, Halkosaari et al., as modified by Hsu et al., do not explicitly show wherein the flexible cover is substantially formed from one-piece of material. Mitchel, however, in related art, shows a mobile phone cover made of a single piece (col. 1, lines 43-49, figs. 1-3).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Halkosaari et al., Hsu et al., and Mitchel in order to provide a simpler, one-piece material, cover for a mobile telephone.

Consider **claim 13**, and as applied to claim 1 above, Halkosaari et al., as modified by Hsu et al., do not explicitly show wherein the flexible cover for a mobile telephone has an elastic and waterproof substrate adjacent the engine assembly. Mitchel, however, in the same field of endeavor, teaches a protective waterproof cover permanently adhered to the substrate of the engine assembly (col. 3, lines 44-47, 60-64).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Halkosaari et al., Hsu et al., and Mitchel in order to provide an impermeable protective sealing to cover the electronic circuits under the removable flexible cover of a mobile telephone.

Claims 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Halkosaari et al. (US PGPub 20020193136) in view of Hsu et al. (US PGPub 20030083094) further in view of Salomon (US Pat 4334367).

Consider **claim 12**, and as applied to claim 1 above, Halkosaari et al., as modified by Hsu et al., do not explicitly show wherein the flexible cover for a mobile telephone is substantially made in accordance with the techniques used in the fabrication of sports shoes. However, Salomon teaches a method for manufacturing sport shoes (Abstract; col. 1, lines 7-10).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Halkosaari et al., Hsu et

al., and Salomon in order to choose a particular technique for the purpose of manufacturing a cover of flexible material for a mobile telephone.

Claims 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Halkosaari et al. (US PGPub 20020193136) in view of Hsu et al. (US PGPub 20030083094) further in view of Tseng et al. (US PGPub 20020027768).

Consider **claim 14**, and as applied to claim 1 above, Halkosaari et al., as modified by Hsu et al., do not explicitly show wherein the flexible cover for a mobile telephone has a molded elastomer substrate adjacent the engine assembly. Tseng et al., however, in related art, teaches a elastomer cover molded on an electronic mobile device.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Halkosaari et al., Hsu et al., and Tseng et al in order to provide a suitable protective material adhered to the substrate contiguous to the rigid enclosure of the electronic circuits of a mobile telephone.

Conclusion

4. Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

5. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Amancio González, whose telephone number is (571) 270-1106. The Examiner can normally be reached on Monday-Thursday from 7:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Rafael Perez-Gutierrez can be reached at (571) 272-7915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Amancio González
AG/ag

August 22, 2006

EDAN ORGAD
PATENT EXAMINER/TELECOMM.

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